

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**August 14, 2013**

The meeting was called to order at 4:00 p.m. by Chairman Phil Conder at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Joe Garcia, Barbara Thomas, and Imaan Bilic

**ABSENT**

Harold Woodruff

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Steve Pastorik, Jody Knapp, and Nichole Camac

**AUDIENCE**

Approximately three (3) people were in the audience

## **CONDITIONAL USE APPLICATIONS**

### **C-31-2013**

#### **Highbury Shoppes Pad A**

#### **Amsource Companies (Bill Gaskill)**

#### **2731 South 5600 West**

#### **Retail/Restaurant with Drive-thru**

#### **C-2 zone, 1.21 acres**

The applicant, Bill Gaskill, is requesting a conditional use for a retail/restaurant drive-thru pad located at 2731 South 5600 West. The General Plan designates this property as General Commercial. The surrounding zone is C-2 with M zoning to the north. The surrounding uses include a bank to the south (Cypress Credit Union), a retail/restaurant pad to the east (Buffet City) and retail (Target) to the north.

This application was continued from the July 10<sup>th</sup>, 2013 meeting as well as the July 31<sup>st</sup>, 2013 meeting to allow time for the applicant to address the landscaping in the parking island as well as modify the building elevation to include street side windows. The applicant has not submitted any revisions at this time and have not been available for comment. This is the third agenda the item has been posted on so Staff recommends that an action be taken on this item.

This building will be the third and last building of the north half of the Shoppes at Highbury project (C-43-2005). The building is 7,150 square feet and will contain 4-5 tenant spaces including one drive-thru fast-food restaurant (Roxberry Juice). The architecture of the building will be similar to the existing building on the east side of the site and will be constructed of stucco and brick with steel awnings accents and must comply with the Commercial Design Standards.

The 5600 West Overlay Zone does require that all uses incorporate street side windows. Therefore the Planning Commission has requested that the elevations be modified to comply with this standard and have suggested that the white stucco panels be replaced with either windows or spandrel glass. An alternative design has not been submitted at this time.

The menu board for the drive-thru will be located on the north side of the building in an area that can accommodate the required stacking. The drive-thru window is proposed on the back of the building (west side) which is along the 5600 West façade. There will be a 3'x10' cover per the standards in the Commercial Design Guidelines (7-14-216). The ordinance states that the drive-thru must be on the back or side of the building. This location does accommodate that however, the intent was to reduce the visibility of the drive-thru from the street. Staff and the applicant have discussed relocating the window to the south side of the building. That location would diminish the impact of visibility of the window however, that increases the conflict of cross traffic in the parking area and the impact of the drive lane would still remain. Therefore, staff feels that the layout as submitted is most appropriate for this location.

The landscaping along the perimeter of the site was completed as part of the initial overall project per the standards set forth in the 5600 West Overlay Zone. Some of the trees in this area have died and will be replaced as part of this project. There is sufficient room on the site to enhance the landscaping on the east side of the sidewalk and adequately screen the drive-thru use per 7-22-406(15). This landscaped area has been increased above the minimum requirement of 5' to accommodate the drive-thru aisle and enhance the screening with additional trees, a 3' tall wall behind a berm and shrubs (see detail). The island shown on the east side of the site will be installed to control traffic and the applicant has indicated

that it will not contain any landscaping. The Planning Commission has asked for this area to be revised to provide some landscaping.

A pedestrian connection was installed along the existing Buffet City building on site with the intention of it crossing the parking area to connect with this new building. Therefore, staff recommends that this be completed and included as part of the final site plan design.

There are 66 stalls provided for this building and a total of 166 for the site. Parking for restaurant uses is calculated at one (1) space for every 100 square feet of gross floor area (1300 sqft) plus five (5) additional spaces for employees and retail/office is calculate at one (1) space for every 250 square feet of gross floor area (5850). Therefore, the minimum required parking for this site is 41 spaces. There may be an additional restaurant tenant so the additional parking provided could accommodate that use as well.

Signage for this business is proposed on the wall of the building as well as a monument sign, similar to the design at the existing building and will be constructed in accordance with the Sign Ordinance.

### **Staff Alternatives**

Approval subject to any issues raised at the public hearing as well as the following conditions:

1. The building shall be design in accordance with the Commercial Design Standards, including a connection to the existing pedestrian connection on the east side.
2. The building shall be constructed per the standards set forth in the 5600 West Overlay Zone section 7-22-405(2) of the West valley City Code and shall incorporate street side windows into the building. The white stucco panels as indicated on the elevations shall be replaced with either windows or spandrel glass.
3. The drive-thru portion of the building shall be constructed in accordance with the 5600 West Overlay standards (7-14-216) and the Commercial Design Standards (7-22-406(15)).
4. Landscaping must be completed per the approved plan including but not limited to adding additional landscaping in the parking island on the east side of the building and replacing the trees that have died along the 5600 West streetscape.
5. Signage shall be designed in accordance with the West Valley City Sign Ordinance.
6. All requirements of affected departments and agencies must be met including but not limited to West Valley City Public Works and the Utah Department of Transportation..

**Continuance**, to allow for the resolutions of any issues raised at the public hearing.

### **Applicant:**

N/A

**Discussion:** Jody Knapp presented the application. Terri Mills stated that she is concerned about the elevations along 5600 West. She indicated that she hasn't seen a lot of spandrel glass that she feels is favorable and is concerned about taking these large white areas and converting them completely to glass. She added that this could allow an increase in signage since the ordinance allows 50% in windows. Commissioner Mills stated that she feels it's important that this side of

the building appears to be a store front and indicated that she doesn't believe glass can necessarily accomplish this alone. She stated that more movement on the building, vertical landscaping, or other features could help considerably. Phil Conder indicated that the applicant has expressed concern converting completely to glass as well so the applicant will likely come back to the Planning Commission to amend this. He asked if 50% signage would be allowed in windows along 5600 West. Jody replied yes. Barbara Thomas asked if spandrel glass is considered a window. Jody replied that it would be difficult to place signage in spandrel glass since there is typically nothing behind the glass but a wall. She indicated that the Planning Commission can limit signage on 5600 West to 5% per the wall sign ordinance. Joe Garcia stated that he likes the idea of looking forward and eliminating signage problems. Barbara Thomas asked if the spandrel glass element could be brought back to the Planning Commission for further review. Jody replied that since this is the third continuance action should be taken on this matter. She stated that she hasn't been able to contact the applicant since the item was originally continued at the beginning of July. Brent Fuller stated that he is comfortable allowing windows or spandrel glass along 5600 W and limiting signage to 5% for the entire west face of the building.

**Motion:** Commissioner Thomas moved for approval subject to the 6 staff conditions and adding condition 7 to state that signage on the west elevations (including glass surfaces) shall be limited to 5% per the wall sign ordinance.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Conder	Yes

**Unanimous -C-31-2013- Approved**

**C-35-2013**

**TitleMax**

**3100 West 3500 South**

**Car Title Loan Service**

**C-2 zone, 0.23 acres**

The applicant, TitleMax, is requesting a conditional use for a car title loan service at 3100 West 3500 South. The General Plan designates this property as City Center. The surrounding zone is C-2 with R-4-8.5 to the north. The surrounding uses include retail and restaurant uses with a residential development (Westbrook Estates) to the north.

TitleMax would like to operate a car title loan service at this location. They will not offer any deferred deposit or check cashing services. This site will not contain any outside storage and any vehicles that need to be repossessed will be handled by a third-party company off site. There will be three to four employees that operate from this location and the hours of operation are 9am – 7pm Monday – Friday, 10am – 4pm Saturday and they will be closed on Sundays.

This is an existing site that was previously occupied by a 7-Eleven convenience store. Our business license records indicate that 7-Eleven was licensed from 1972 until 2011. Therefore, they were in operation prior to West Valley City incorporating. There is no current conditional use permit or business license at this location.

The applicant proposes to remodel the interior of the building to create an office type atmosphere. The exterior of the building will be cleaned which will include removal of some graffiti, signage and an inoperable pay phone box. Then the building will be painted white. The estimated construction costs of the building modifications total over \$50,000. Therefore, the requirements set forth in the Landscaping on Major Arterials (7-13) would be applicable. The applicant does not propose to add any landscaping to the site and would like the Planning Commission to waive the streetscape requirements because they feel they do not have adequate space to provide such landscaping. Section 7-13-204(1) and 7-13-104(1)(b) of the City Code permit alterations of the landscaping standards along major arterials where full compliance is impossible, although the landscaping ultimately approved must still comply with the intent of the ordinance.

The applicant has submitted a site plan with the dimensions of the front parking area to demonstrate their existing site constraints. The plan shows a 10' sidewalk, an 18' parking stall, a 24' aisle with a remaining area of 8'6" that they propose to remain paved. The minimum space required for a sidewalk adjacent to a building is typically 5', however, this is an existing sidewalk so staff does not recommend that this be altered. The site was also recently modified when the Utah Department of Transportation (UDOT) conducted the 3500 South widening project. This included a reduction in the lot depth of 19' and improvement of an unusually large access for the site. It is approximately 45' in width versus the 30' typically permitted. Therefore, the area remaining for landscaping has been drastically reduced but not completely eliminated. The stall and aisle depth for the parking lot area are in compliance and would allow for adequate maneuvering area if the remaining 8'6" was landscaped. Therefore, Staff feels that it is not appropriate to waive the landscaping requirement along 3500 South and that landscaping should be installed to the extent possible without impacting the parking lot design requirements. Installing 8'6" of landscaping would further the intent of the Major Arterials ordinance while preserving the applicant's ability to develop the property with the existing building and parking lot.

The recommended reduction to 8'6" of streetscape landscaping represents a significant reduction in the applicant's obligation under the Major Arterials ordinance. The area that could be landscaped with this remaining portion of the site and the existing 45' wide access would be approximately 314.5 square feet or 3.1% of the total site. The amount of landscaping that would be necessary for full compliance, which would include a 20' landscaped area and a typical 30' access, would be approximately 1,300 square feet or 13% of the site. That is a reduction of 9.9% or 985.5 square feet for the front setback area.

The overall site is also required to have landscaping per the Commercial Zone standards set forth in the Code. The landscaping percentage is reduced due to the streetscape standards, therefore, the site is required to have 13.5% landscaping. One of the requirements includes landscaping adjacent to the residential property to the north to include a 10-foot landscaped buffer with one tree planted every 30' and a minimum of 3 shrubs per tree. The existing area behind the building is currently 8' deep, therefore this landscaping would add approximately 760 square feet or 7.5% to the site. If the front areas were landscaped as well the site total would be approximately 1074.5 square feet, or 10.7%. The landscaping could be increased along the sides of the building to achieve the 13.5% or planters could be added along the over sized entrance way to accomplish the minimum percentage requirement.

Since the site is located adjacent to a residential development, in addition to the landscaping requirement, a 6' masonry wall is also required along the north property line. Staff recommends that this be installed at this time.

The parking for this use is calculated at 1 space for every 250 square feet of gross floor area (2400sqft). Therefore, the minimum required parking for this site is 9 spaces. By ordinance, the parking requirement for a convenience store is the same as for an office type use. Therefore the parking demand is not increased by this use and Staff feels the 7 spaces provided are adequate.

The applicant has proposed a wall sign and monument signage for this business. The wall sign will be permitted to occupy 15% of the front building face. The applicant has proposed a 5' x 19' sign which is 11%. A 5' tall monument sign has also been proposed to be located on site. The applicant has requested a reduction in the required landscaped area adjacent to the sign in order to utilize an existing island area on site. This space was originally designed for a sign for 7-Eleven. However, the sign permit was never issued because the location of this island failed the inspection due to clear view and landscaping issues. Therefore, Staff does not recommend approval of this reduction and suggests that the island be modified in accordance with the streetscape standards discussed above which would provide an adequate area for signage. With the installation of the 8'6" of landscaping as part of the 3500 South streetscape, the applicant would not need an exception to the sign requirements, as the landscaping would be in full compliance with the sign ordinance. All other requirements set forth in the Sign Code must also be adhered to.

### **Staff Alternatives**

Approval subject to any issues raised at the public hearing as well as the following conditions:

1. The site shall only be used for car title loans. No check cashing or deferred deposit uses are allowed.
2. No outside storage of any kind is permitted on site, including but not limited to any repossessed vehicles.
3. Any unused signage, including the abandoned pay phone, on the exterior of the building shall be removed.
4. The frontage shall be designed in accordance with the Landscaping on High Image Arterials to the extent possible after providing the minimum required space for parking and maneuvering areas per the approved site plan.
5. The landscaping area adjacent to the residential use shall be installed between the building and the property boundary and extent along the entire rear portion of the site. A minimum of three trees shall be planted in this area and there shall be at least 3 shrubs per tree.
6. Sufficient landscaping shall be installed to comply with the requirement that 13.5% of the site be landscaped. The 13.5% requirement includes the landscaping installed as part of the 3500 South streetscape.
7. A 6' tall concrete or masonry wall must be installed adjacent to the residential property along the north side of the property.
8. Signage shall be designed in accordance with the West Valley City Sign Ordinance.
9. The Planning Commission may review this application upon receipt of valid unresolved complaints.

10. All requirements of affected departments and agencies must be met including but not limited to West Valley City Public Works and the Utah Department of Transportation..

**Continuance**, to allow for the resolutions of any issues raised at the public hearing.

**Applicant:**

Cristina Coronado  
201 S Main Street

**Applicant:**

Chris Ryan

**Discussion:** Jody Knapp presented the application. Cristina Coronado, representing the applicant, stated that she is comfortable with the conditions and will comply with everything as required in the ordinance. Terri Mills asked why the applicant wanted the brick to be painted white and indicated that many financial institutions like to maintain a brick or stone appearance. Chris Ryan, representing Title Max, replied that white is the typical building color for all Title Max businesses. He stated that the company tries to maintain a uniform look among all their stores. Barbara Thomas asked if there will be any modifications to the windows. Mr. Ryan replied no. Brent Fuller stated that there won't be a lot of white on the building since the glass windows are very large. Joe Garcia asked if cars will be brought to the site. Ms. Coronado replied that repossessions will be conducted through a 3<sup>rd</sup> party company and no vehicles will come to or be stored on the site.

**Motion:** Commissioner Matheson moved for approval subject to the ten staff conditions modifying condition number 6 to state: Sufficient landscaping shall be installed to comply with the requirement that 15% of the site be landscaped. The 15% requirement includes the landscaping installed as part of the 3500 South streetscape.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Conder	Yes

**Unanimous -C-35-2013- Approved**

**C-36-2013**

**Questar Gas**

**4650 South 5600 West**

**A Zone (.17 Acres)**

The applicant, Questar Gas, is requesting a conditional use for a feeder line station at 4650 South 5600 West. The zoning for this area is A, Agricultural. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zones are A to the North and the remaining sides are M, Manufacturing. The surrounding area is currently undeveloped land.

This site was recently purchased to install a new high capacity district regulator station which will assist in gas distribution and improve pressure in the area. The facility will consist of a 12'x12' metal building with a tan finish. The surfacing of the site will be gravel. No signage is proposed for this location. The entire perimeter of the site will be enclosed with an 8' masonry fence. Staff feels this is an appropriate fence height for this location. The fence will be setback 15' from the front property line along 5600 West. The fencing setback may be modified along major arterials per 7-2-120(3).

There are also specific landscaping standards required along 5600 West. This facility is an unmanned station which is typical of this type of facility and Questar Gas feels that they can not properly maintain the site if those standards are applied at this location. Therefore they have requested to modify the landscaped buffer to eliminate the lawn requirement and have proposed to plant a minimum of 3 trees and 50% live plant material with a combination of rock mulch. Staff feels this is appropriate at this location and is consistent with other facilities of this nature.

The access to the site will be from a gate located along the north side of the site with an access road across the adjacent property to an existing curb cut in 5600 West. A temporary easement has been recorded with that property owner for this access. The exact final location may change in the future when the adjacent property develops so the final design will be determined at that time. Until then the access road must be paved prior to occupancy in the building per the West Valley City Fire Department and Public Works Department. If the access does change then the site plan must be updated for this conditional use and a final easement agreement must be recorded.

**Staff Alternatives:**

**Approval,** subject to the resolution of any concerns raised at the public hearing as well as the following conditions:

1. The site shall be completed per the approved plans.
2. The landscaping along 5600 West must be at least 15' wide and include a minimum of three (3) trees, at least 50% live plant material, and completed with a mixture of gravel mulch.
3. The perimeter fencing shall be masonry and setback at least 15' from 5600 West and shall be no greater than 8' tall.
4. The access to the site must be paved prior to occupancy in the building.
5. If the access is modified in the future an updated site plan and permanent recorded easement must be submitted to Staff for the file.
6. All requirements of affected departments and agencies must be met.
7. This use is subject to review upon a valid complaint.

**Continuance,** to allow for the resolutions of any issues raised at the public hearing.

**Applicant:**

Paul Swan  
1140 W 200 S

**Discussion:** Jody Knapp presented the application. Phil Conder clarified that the temporary easement is in place to allow for future development. Jody replied yes and stated that a new

easement will need to be re-established once the property is developed. Chairman Conder asked if an easement will still be required if the property owner sells the property to someone else in the future. Jody provided specific language from the private easement agreement and indicated that a temporary easement must always be provided until a permanent one is installed. Brandon Hill added that there will never be a land locked property. Brent Fuller asked what the distance is between the gate and the property line. Jody replied that it is approximately 70 feet. Commissioner Fuller asked if this would be enough space for residential lots. Jody replied that it would not be likely since residential property typically needs 100 feet in depth.

Paul Swan, representing the applicant, stated that this is an important addition for the area and will provide gas to many existing and future homes. Barbara Thomas asked what size the vehicles are that will service the station. Mr. Swan replied that he doesn't know the exact size but they are typical trucks and crew trucks. Commissioner Thomas asked how far north the access is from the actual gate. Mr. Swan replied that he wasn't sure of the exact distance but he indicated the distance on the map. He stated that it will line up with the access on the east side of 5600 W. Commissioner Thomas stated that she doesn't like the temporary road being so long. Chairman Conder stated that this is an existing access that UDOT has provided. Commissioner Fuller added that this is temporary and will work now but will likely change when development occurs in the future. Chairman Conder asked if UDOT is okay with this application. Jody replied that UDOT had no comments when the application was sent to them and added that the applicant must go through a process with them for final approval. Terri Mills asked what the front setbacks are. Jody replied that the building must be 30 feet from the property line. She indicated that the applicant is requesting an increase in the height of the fence to 8 feet and will provide a 15 foot section of landscaped space along 5600 W. She stated that because the site is tight there isn't much room for modification. Commissioner Thomas asked if payment is given to the property owner for the easement. Mr. Swan replied yes. Commissioner Thomas asked if the edges of the paved access road will just go off into the dirt. Mr. Swan replied yes.

**Motion:** Commissioner Fuller moved for approval subject to the 7 staff conditions.

Commissioner Bilic seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Conder	Yes

**Unanimous -C-36-2013- Approved**

**C-37-2013**

**McDonald's (Darrin Perkes, Dominion Engineering)**

**5315 S 5600 W**

**Fast Food Restaurant**

**C-2 zone, 1.08 acres**

The applicant is requesting that this application be continued to the next hearing to work out further issues regarding the site.

### **Staff Alternatives**

**Continuance**, to allow time to resolve issues with the site plan.

**Applicant:**  
N/A

**Discussion:** The applicant has requested continuance. The Planning Commission had no questions or concerns.

**Motion:** Commissioner Mills moved for continuance.

Commissioner Garcia seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Conder	Yes

**Unanimous -C-37-2013- Approved**

### **PLANNING COMMISSION BUSINESS**

Approval of Minutes from July 31, 2013 (Regular Meeting) **Approved**  
Approval of Minutes from August 7, 2013 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:50 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant